

BEST AVAILABLE COPY

PATENT
00833-P0023A SPM/MWK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Michelle Marguerite Grundy, et al.
Serial No. 10/018,240	Filing Date: April 8, 2002
Title of Application:	Product from Starfish
Confirmation No. 8802	Art Unit: 1651
Examiner	Herbert J. Lilling

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Refund

Dear Sir:

This is a request for a refund of a fee charged to the undersigned attorney's deposit account in connection with the above application.

In the above application, a Restriction Requirement was mailed in the above application on February 9, 2004. A copy of the Restriction Requirement is attached as Exhibit A. The Restriction Requirement DID NOT set a shortened statutory period for response. See Exhibit A, "Period For Reply." As noted in the Restriction Requirement under the "Period For Reply": "If NO period for Reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication." By the explicit time set in the Restriction Requirement, the due date for response was August 9, 2004.

Applicant timely filed a Response to Office Action by mail with a Certificate of Service on August 6, 2004 (received in the USPTO on August 9, 2004). A copy of the

date stamped postcard acknowledging receipt and the "Election Pursuant to Restriction Requirement" is attached as Exhibit B.

On August 17, 2004, the USPTO then entered a charge of \$2010 against the Deposit Account of the undersigned attorneys. A copy of the Monthly Statement of Deposit Account is attached as Exhibit C. The charge in question is the \$2010 charge in the second line, Fee Code 1255 is the fee for "Extension For Response Within the Fifth Month."

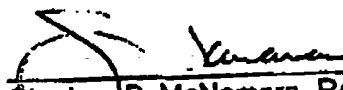
There was no shortened statutory period specified in the Restriction Requirement. Applicant's "Election Pursuant to Restriction Requirement" was timely filed within the six month period set in the Restriction Requirement. No extension of time was required, and no fee was due. The USPTO has charged a fifth month extension of time fee where it was not required.

Accordingly, refund of the improperly charged \$2010 is respectfully requested.

Small Entity Claim

Applicant claims small entity status. Any future charges should be made on a small entity basis.

Respectfully submitted,



Stephen P. McNamara, Registration No., 32,745
Michael W. Krenicky, Registration No. 45,411
Attorneys for Applicants
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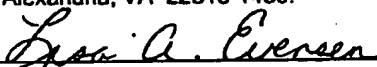
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Election Pursuant to Restriction Requirement

This is a response to the outstanding Office Action mailed February 9, 2004. Please enter this Response to Official Action in the above-referenced application. Applicant believes that no fee and no request for extension of time are due in connection with the filing of this Response, since no shortened statutory period was set in this office action. However, if any fee is due please charge Deposit Account No. 19-4516.

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

August 6, 2004



Lisa A. Evensen

Adjustment Date: 07/22/2005 SDIRETA1
08/17/2004 DWILLIA1 00000002 194516 10018240
01 FC:1255 2010.00 CR

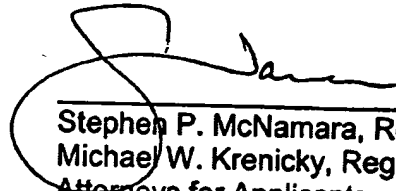
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Serial No 10/018,240
Election Pursuant to Restriction Requirement

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The Examiner has required restriction to one of five groups of claims. Applicants hereby elect the invention of Group I, claim 1, for prosecution in this case and further elect species iii, relating to anti-inflammatory properties. Applicant identifies claims 1-7 as readable on the elected species.

Applicant reserves the right to file divisional applications directed to Groups II, III, IV, and V.

Respectfully submitted,



Stephen P. McNamara, Registration No. 32,745
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